

Attorney Docket No.: 021164-000310US  
Client Ref. No.:

PTO/SB/01A (08-03)

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN  
APPLICATION DATA SHEET (37 CFR 1.76)**

**Title of Invention**

CD56 POSITIVE HUMAN ADULT PANCREATIC ENDOCRINE PROGENITOR  
CELLS

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
- ☒ Application No. 10/658,437, filed on September 8, 2003,
- ☐ as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME OF INVENTOR(S)**

Inventor 1 Wen-Ghih Tsang

Date: X Jan 21, 04

Signature: X [Signature]

Citizen of: United States

Inventor 2 Tianli Zheng

Date: X 1-22-04

Signature: X [Signature]

Citizen of: United States

Inventor 3 Wei Liu

Date: X 1-22-04

Signature: X [Signature]

Citizen of: Peoples Republic of China

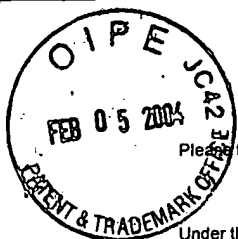
Inventor 4 \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Citizen of: \_\_\_\_\_

☐ Additional inventors are being named on additional form(s) attached hereto.



Please type a plus sign (+) inside this box →



PTO/SB/81 (02-01)


Approved for use through 10/31/2002. OMB 0651-0035  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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|  |                               |   |
|--|-------------------------------|---|
| <b>POWER OF ATTORNEY OR<br/>AUTHORIZATION OF AGENT</b> | <b>Application Number</b>     | 10/658,437  |
|  | <b>Filing Date</b>            | September 8, 2003   |
|  | <b>First Named Inventor</b>   | Tsang et al.  |
|  | <b>Title</b>                  | CD56 Positive Human Adult<br>Pancreatic Endocrine Progenitor<br>Cells |
|  | <b>Group Art Unit</b>         | 1636  |
|  | <b>Examiner Name</b>          | Not known   |
|  | <b>Attorney Docket Number</b> | 021164-000310US   |

I hereby appoint:

☒ Practitioners at Customer Number  → 

  
20350  
PATENT TRADEMARK OFFICE

☐ Practitioner(s) named below:

| Name | Registration Number |
|------|---------------------|
|      |                     |
|      |                     |
|      |                     |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

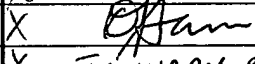
☒ The above-mentioned Customer Number.  
**OR**  
☐ Practitioners at Customer Number  →

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| Address   |  |       |  |     |
| Address   |  |       |  |     |
| City  |  | State |  | ZIP |
| Country   |  |       |  |     |
| Telephone   |  | Fax   |  |     |

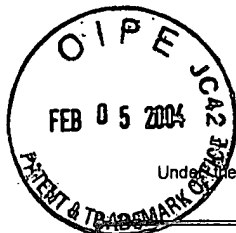
I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
*Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).*

| SIGNATURE of Applicant or Assignee of Record   |   |
|--|---|
| Name   | X KHALID SAMI   |
| Signature  | X  |
| Date   | X JANUARY 22, 2004  |
| NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*. |   |
| <input checked="" type="checkbox"/> *Total of 1 forms are submitted.   |   |

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any Comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.  
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Attorney Docket No. 021164-000310US

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Wen-Ghih Tsang et al.

Application No./Patent No.: 10/658,437

Filed/Issue Date: September 8, 2003

Entitled: CD56 Positive Human Adult Pancreatic Endocrine Progenitor Cells

AmCyte Inc., a California corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_%

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

**(NOTE:** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

X JANUARY 22, 2004  
Date

X KHALID SAMI  
Typed or printed name

X [Signature]  
Signature

X VICE PRESIDENT  
Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

## ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Wen-Ghieh Tsang of 13161 Morrison Street, Sherman Oaks, CA 91423; Tianli Zheng of 11047 Braddock Drive, Culver City, CA 90230; and Wei Liu of 4362 Nestle Avenue, Cypress, CA 90630, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: CD56 Positive Human Adult Pancreatic Endocrine Progenitor Cells

Date(s) of execution of Declaration:

Filing Date: September 8, 2003

Application No.: 10/658,437; and

WHEREAS, AmCyte Inc., is a corporation of the state of California, located at 2825 Santa Monica Boulevard, #200, Santa Monica, CA 90404, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Not for recordation  
(being concurrently sent to PTO  
for recordation by facsimile)

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: Jan 21, 04

  
Wen-Ghii Tsang

SIGNATURE WITNESSED BY:

Oliver K. Foellmer  
(print name)  
KHALID SAMI  
(print name)

Date: 1/22/04

Date: 1/22/04

Dated: 1-21-04

  
Tianli Zheng


SIGNATURE WITNESSED BY:

Oliver K. Foellmer  
(print name)  
KHALID SAMI  
(print name)

Date: 1/21/04

Date: 1/21/04

Dated: 1-22-04

  
Wei Liu

SIGNATURE WITNESSED BY:

Oliver K. Foellmer  
(print name)  
KHALID SAMI  
(print name)

Date: 1/22/04

Date: 1/22/04



Atty. Docket No.: 021164-000310US  
Client Reference No.: \_\_\_\_\_

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.27) - SMALL BUSINESS CONCERN**

Applicant or Patentee: Wen-Ghih Tsang, Tianli Zheng, and Wei Liu

Title: CD56 POSITIVE HUMAN ADULT PANCREATIC ENDOCRINE PROGENITOR CELLS

- ☐ the specification filed herewith.  
☒ Application No. 10/658,437, filed September 8, 2003.  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: AmCyte Inc.

Address of Small Business Concern: 2825 Santa Monica Boulevard, #200, Santa Monica, CA 90404

I hereby declare that the above-identified small business concern qualifies as a "small business concern" as defined in 13 CFR part 121, for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

Further Assignment

- ☒ I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described above.  
☐ Verified statements by all entities to whom rights to the invention have been transferred, or to whom there is an obligation to transfer rights, are attached hereto.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27(g)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: X KHALID SAMI

Title of Person if Other than Owner: X VICE PRESIDENT

Address of Person Signing: 2825 Santa Monica Boulevard, #200, Santa Monica, CA 90404

Signature X Khalid Sami

Date X JANUARY 22, 2004